

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

STEPHANIE FISCHER

Plaintiff,

v.

AMGUARD INSURANCE COMPANY

Defendant.

§
§
§
§
§
§
§
§
§

CAUSE NO. 4:21-CV-03522

PARTIES' JOINT MOTION FOR LEAVE TO FILE DISPOSITIVE MOTIONS

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Plaintiff Stephanie Fischer and Defendant AmGUARD Insurance Company file this Joint Motion for Leave to File Dispositive Motions, and would respectfully show the Court as follows:

Plaintiff filed suit against AmGUARD on October 26, 2021, which AmGUARD timely answered on November 16, 2021. In the lawsuit, Plaintiff asserts that AmGUARD conducted an improper investigation and wrongfully denied and delayed payment of benefits under the Policy. Plaintiff asserts causes of action for breach of contract, violations of the Texas DTPA and Insurance Code, and breach of the duty of good faith and fair dealing/bad faith. [Doc. 1]. As damages, Plaintiff seeks the amount of unpaid insurance benefits allegedly owed plus mental anguish, court costs and attorneys' fees, treble damages, vague exemplary damages, vague punitive damages, and statutory interest. *Id.*

On May 12, 2022, the Court entered a Rule 16 Scheduling Order, which, among other things, set the deadline for dispositive motions for March 24, 2023, and set the final pretrial conference for October 2, 2032 [Doc. 18]. By agreement in September 2022, the parties extended

the deadline to file dispositive motions to May 2, 2023. The parties originally agreed, operating collegially, to this extension as part of a larger set of extensions stemming from Plaintiff's request for a 60-day extension of Plaintiff's expert designation deadline. [Doc. 19]. The remaining extensions of the discovery deadline and the dispositive motions deadline followed from the expert designation extension. Thereafter, the parties, still operating collegially, further agreed to extend Plaintiff's deadline to respond to Defendant's Motion for Partial Summary Judgment by an additional week and provided Defendant additional time to file a Reply Brief. [Doc. 22, extending Plaintiff's deadline to file a response]; (Exhibit A hereto, extending Defendant's deadline to file a reply); *see also* Local Rule 83.1(j); Appx. D, R. J (noting that attorneys should cooperate and provide reasonable accommodations to one another). The extensions of time were not sought for purposes of delay, and the parties do not request that the Court alter the parties final pretrial conference or trial setting.

For the reasons outline above, Plaintiff Stephanie Fischer and Defendant AmGuard Insurance Company respectfully request that the Court grant this Motion for Leave, and consider Defendant's Motion for Partial Summary Judgment [Doc. 29], Plaintiff's Response in Opposition to Defendant's Motion [Doc. 31], and Defendant's Reply in Support of its Motion [Doc. 32], as timely filed, and for any additional relief to which the parties may be entitled.

Respectfully submitted,

CHAD T. WILSON LAW FIRM, PLLC

By: /s/ Amanda J. Fulton
Chad T. Wilson
Southern District Bar No. 2246983
SBN 24079587
Amanda J. Fulton
Southern District Bar No. 31422
SBN 24077283
455 East Medical Ctr. Blvd., Suite 555

Webster, Texas 77598
Telephone: (832) 415-1432
Facsimile: 281) 940-2137
eservice@cwilsonlaw.com
afulton@cwilsonlaw.com

ATTORNEYS FOR THE PLAINTIFF

SHEEHY, WARE, PAPPAS & GRUBBS, P.C.

By: /s/ Jonathan R. Peirce
Steven O. Grubbs
Southern District Bar No. 21932
SBN 00796683
SGrubbs@sheehyware.com
Jonathan R. Peirce
Southern District Bar No. 2303246
SBN 24088836
JPeirce@sheehyware.com
Two Houston Center
909 Fannin St., Suite 2500
Houston, Texas 77010
Telephone: (713) 951-1000
Facsimile: (713) 951-1199

**ATTORNEYS FOR THE DEFENDANT
AMGUARD INSURANCE COMPANY**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above foregoing instrument has been forwarded via e-filing in accordance with the Federal Rules of Civil Procedure on this, June 9, 2023 to the following counsel of record:

Via E-service:

Chad T. Wilson
Amanda J. Fulton
CHAD T. WILSON LAW FIRM PLLC
455 E Medical Center Blvd, Ste 555
Webster, Texas 77598
cwilson@cwilsonlaw.com
afulton@cwilsonlaw.com

/s/ Jonathan R. Peirce
Jonathan R. Peirce